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EXAMINER

HUSSAIN, TAUQIR

ART UNIT

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2452

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,922

Applicant(s)

OREIZY ET AL.

Examiner

TAUQIR HUSSAIN

Art Unit

2452

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/03/2008 has been entered.

Response to Amendment

2. This office action is in response to amendment /reconsideration filed on 12/03/2008, the amendment/reconsideration has been considered. Claims 1, 18 and 21 have been amended. Claims 1-13 and 16-26 are pending for examination, the rejection cited as stated below.

Response to Arguments

3. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 16 should be rewritten in independent form as including the preamble tied to computer hardware to avoid any 35 U.S.C 101 issues with accordance to independent claim fee payment.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim1 is rejected under 35 U.S.C 112 second paragraph because claim recites, "the plurality of other computing objects" lines, 6, 9, 10, 13, 14 and 17 makes the claim indefinite as to under stand what are these other computing objects especially by introducing the phrase "a subset of the other ones of the plurality of computing objects" in lines 13, 14 and 16-17. It is not clear what are these subsets or which set they belong to.
7. Examiner would also like to suggest taking out the phrases, "wherein and whereby" lines 4, 5, 10, 18, 21 and 9, 15 respectively, from the independent claim as these phrases merely describes the intended use of the invention.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35 U.S.C 103(a) not included in this action can be found in a prior Office Action.
9. Claims 1-13 and 16-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al (US 6,519,629 B2), herein after "Harvey" in view of Kirmse et al. (Pub. No.: US 2005/0027382 A1), hereinafter "Kirmse" and further in view of Cuomo et al. (Patent. No.: US 6,530,840 B1), hereinafter "Cuomo".
10. As to claims 1 and 16 (e.g. method and computer program product), Harvey discloses, the method for collaboratively executing an application (Harvey, Abstract) comprising:

establishing a communication from a first computing object to an intermediary system (Harvey, Col.1, lines 43-45, where server is intermediary) wherein the intermediary multicasts messages among the first computer and a plurality of other computing objects in communication with the intermediary (Harvey, Col.1, lines 51-56, where server communicates with each of the player connected to the gaming server could be a multicast) wherein the first computing object and the plurality of other computing objects can communicate text message (Harvey, Col.1, lines 56-59, where actions and reactions could be interactive, text or voice);

transmitting a message by way of indicative of an invitation (Harvey, Col.13, lines 14-17, where invitation message is sent to the users) to collaboratively execute an application from the first computing object to the intermediary system (Harvey, Col.13, lines 31-37, where module-175 is running on intermediary device collaboratively with other computing objects) whereby the message is multicast to the other ones of the plurality of computing objects Harvey, Col.4, lines 54-57, where email transmitted to all the invited users which could be a multicast) and wherein each of the other ones of the plurality of computing objects launching a first application (Harvey, Col.4, lines 65-67 and Col.5, lines 1-2, where user executes or launch the application);

receiving a message indicative of acceptance at the first computing object from at least one of the other ones of the plurality of computing objects (Harvey, Col.7, lines 1-5, and Col.13, lines 25-26, where acceptance message is sent to module-115, means receiving the reply for acceptance);

launching the first application (Harvey, Col.4, lines 65-67 and Col.5, lines 1-2 and Col.13, lines 28-29),

Harvey is silent on "transmitting a message in established communication network" or "wherein the act of launching the first application comprises both transmitting a parameter indicative of an identifier of a process of the first application and receiving a pointer to a session of which the first application is associated" or "receiving a network address of the at least one of the other ones of the plurality of computing objects whereby the first computing object transmit actions related to the first application to the at least one of the other ones of the plurality of computing objects communicate actions bypassing the intermediary".

However, Kirmse discloses, "transmitting a message in an established communication network" (Kirmse, paragraph [0005], where instant message program is used to send a message between buddies which is an established communication network, to facilitate joining an interactive game between themselves).

wherein the act of launching the first application comprises both transmitting a parameter indicative of an identifier of a process of the first application (Kirmse, Fig.5 and Fig.6, paragraph [0044], where inviter sends the request to game server to invoke the game) and receiving a pointer to a session of which the first application is associated (Kirmse, Fig.5 and Fig.6, paragraph [0044], where game server serves up an active game with enough information e.g. IP address and port number so inviter can play the game).

receiving a network address of the at least a subset of the other ones of the plurality of computing objects that sent a message indicative of acceptance (Kirmse, Abstract, where game client other than those in the active game set can join an active game by supplying game server with a reference to the active game, which can be interpreted as network address or in an IP network it is inherent that any data packet will comprise a network address and message indicative of acceptance can be found in Kirmse, [0099]) whereby the first computing object transmit actions related to the first application to the at least a subset of the other ones of the plurality of computing objects to communicate actions performed on the application locally" (Kirmse, Abstract, logic is included for coupling a game client which is equivalent to a subset of computing object to a messenger client to allow the game client to send the messenger client data used to initiate joining a game, also a message sent by the messenger client includes the data used to initiate joining a game and each client having a game and further in paragraph [0077], disclosed is a games installed and executable locally through a message by invitee messenger client).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to use the establish communication network as taught by Kirmse in the system of Harvey to provide a method of operating a multi-player game having a plurality of game clients and a plurality of messenger clients in communication with a game server and a messenger server (Kirmse, paragraph [0009]).

Harvey and Kirmse however are silent on disclosing explicitly, "bypassing an intermediary and wherein the communication session is maintained for multicasting text

messages among the first computing object and the plurality of other computing objects".

Cuomo however discloses the core concept of message to "bypass an intermediary or server" (Cuomo, Fig. 4, element-400 and 406, Col.3, lines 35-45, where two kind of session were created, Lobby session-400 and GameSession-406. Once the players engaged in game the communication starts between clients and the GameSession-406 directly or bypassing the intermediary "LobbySession-400" while in LobbySession communication with potential users kept open, who might be interested in joining the game etc.).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Harvey and Kirmse with the teachings of Cuomo to provide a direct-connect mode and a LobbySession to gather the interested user who wants to play the same game simultaneously, in which the client software talks directly over the network to another client software to which they all agree upon, without having to send each message through the intermediary service.

11. As to claim 18, Harvey discloses, a first message indicative of an invitation to join a multiparty application, said first message comprising a first portion indicative of the invitation (Harvey, Col.4, lines 54-58, where transmission message includes a message component that is indicative of an invitation).

Harvey is silent on "a second portion indicative of a communications session number in a messaging system maintained by a service wherein the first message is processed by a computing device as a request to join a multiparty application session"

or "a second message comprising a network address of at least one other computing device simultaneously executing the multiparty application to which actions are transmitted related to the multiparty application to the at least one other computing device independent of the messaging system".

However, Kirmse discloses, a second portion indicative of a communications session number in a messaging system maintained by a service, wherein the first message is processed as a request to join a multiparty application session (Kirmse, Fig.5, paragraph [0049], where invoking command line which, comprises of the IP address plus the connection port or a state value can be a communication session number and paragraph [0040], where first message is merely an invitation to join the game),

a second message comprising a network address of at least one other computing device simultaneously executing the multiparty application to which actions are transmitted related to the multiparty application to the at least one other computing device (Kirmse, [0004], where providing a URL can be a second message along with network address).

Harvey and Kirmse however are silent on disclosing explicitly sending messages, "independent of the messaging system, while the communication session in the messaging service is maintained for text communication".

Cuomo however discloses the core concept of message to "bypass an intermediary or server" (Cuomo, Fig. 4, element-400 and 406, Col.3, lines 35-45, where two kind of session were created, Lobby session-400 and GameSession-406. Once the

players engaged in game the communication starts between clients and the GameSession-406 directly or bypassing the intermediary "LobbySession-400". Once the players engaged in game the communication starts between clients and the GameSession-406 directly or bypassing the intermediary "LobbySession-400" while in LobbySession communication with potential users kept open, who might be interested in joining the game etc.).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Harvey and Kirmse with the teachings of Cuomo to provide a direct-connect mode, and a LobbySession to gather the interested user who wants to play the same game simultaneously, in which the client software talks directly over the network to another client software to which they all agree upon, without having to send each message through the intermediary service.

12. As to claim 21, Harvey discloses, a system for collaborative application execution (Harvey, Abstract), comprising:

a first computer comprising a intermediary computer readable instructions for multicasting messages among a plurality of computing objects (Harvey, Col.13, lines 20-22, where invitation is sent to the user addresses, this transmission could be a multicast).

At least one of the plurality of computing object in communication with intermediary computer-readable instructions (Harvey, Col.4, lines 47-67, where creator is an inviter which interacts with central controller which is intermediary computer to

invite other users) and comprising a plurality of computer-readable instructions for communication with other computing objects by way of the intermediary computer-readable instructions (Harvey, Col.4, lines 54-60, where central controller is an intermediary computer and message containing invitation and executable are plurality of instructions);

Harvey however, is silent on disclosing explicitly, at least one of the plurality of computing objects comprising computer readable instructions for inviting computing objects (Harvey, Col.4, lines 47-67, where creator is an inviter which interacts with central controller which is intermediary computer to invite other users).

Harvey however is silent on, "inviting by way of real-time communication to collaboratively execute a computer application by way of the intermediary computer readable instructions, at least one of the plurality of computing readable instructions for communicating directly with a network address of at least one other computing device simultaneously executing the collaborative application to which actions are transmitted related to the collaborative application bypassing the first computer.

Kirmse however discloses, "inviting by way of real-time communication to collaboratively execute a computer application" (Kirmse, Fig.1, user computer-12, game server-14 and messenger server-18, paragraph [0037], where computers are communicating via IM server and clients, which is real-time communication and paragraph [0005], where gaming can be start by inviting other buddies from the buddy list) by way of the intermediary computer-readable instructions (Kirmse, Fig.1, game server-14 is an intermediary computer), wherein each of computing objects launches a

local copy of the computing application (Kirmse, Fig.1, user computer-12, game server-14 and messenger server-18, paragraph [0005], where each computer launches the game in the user's computer and uses the connection information from the instant message application).

at least one of the plurality of computing readable instructions for communicating directly with a network address of at least one other computing device simultaneously (Kirmse, Abstract, where game client other than those in the active game set can join an active game by supplying game server with a reference to the active game can be interpret as direct communication), executing the collaborative application to which actions are transmitted related to the collaborative application bypassing the first computer (Kirmse, Abstract, logic is included for coupling a game client to a messenger client to allow the game client to send the messenger client data used to initiate joining a game, whereby a message sent by the messenger client includes the data used to initiate joining a game).

Harvey and Kirmse however are silent on disclosing explicitly, "bypassing an intermediary and wherein the real-time communication not related to actions in on the collaborative application continue to use the computer-readable instructions for real-time communication with other computing objects by way of the intermediary computer-readable instruction".

Cuomo however discloses the core concept of message to "bypass an intermediary or server" (Cuomo, Fig. 4, element-400 and 406, Col.3, lines 35-45, where two kind of session were created, Lobby session-400 and GameSession-406. Once the

players engaged in game the communication starts between clients and the GameSession-406 directly or bypassing the intermediary "LobbySession-400". Once the players engaged in game the communication starts between clients and the GameSession-406 directly or bypassing the intermediary "LobbySession-400" while in LobbySession communication with potential users kept open, who might be interested in joining the game etc.).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Harvey and Kirmse with the teachings of Cuomo to provide a direct-connect mode, and a LobbySession to gather the interested user who wants to play the same game simultaneously, in which the client software talks directly over the network to another client software to which they all agree upon, without having to send each message through the intermediary service.

13. As to claim 2, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 1, including, wherein the message indicative of an invitation comprises the term "invite" (Harvey, Col.4, lines 54-58, where invitation message component could be any text or message including the claimed term "invite").

14. As to claim 3, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 1, including, wherein the first computing object is executing on a first computer and wherein the other ones of the computing objects is executing on at least

one other computer (Kirmse, [0007, lines 6-8], where each conferencing application is running individually on each computer).

15. As to claim 4, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 1, including, further comprising registering a first copy of the application with a first computing object (Harvey, Col. 27, lines 42-49, where downloading means registering the application).

16. As to claim 5, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 1, including, wherein a first copy of the application and the first object are executable on a first computer (Harvey, Col.27, lines 25-28, where controller is the first computer and controls the application and capable of running the application).

17. As to claim 6 Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 5, including, further comprising transmitting a message from the first computer indicative of connection-specific information to the at least on other ones of the plurality of computing objects (Harvey,Col.6, lines 43-46).

18. As to claim 7, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 6, including, wherein the connection-specific information comprises an internet protocol address (Harvey, Col.6, lines 1-3, where persistent connection is HTTP connection which means there is an IP address involve in the session connection).

19. As to claim 8, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 6, including, further comprising launching a second application on a second computer (Harvey, Col.27, lines 32-34, where user is a second computer).

20. As to claim 9, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 6, including, wherein the second application and the first application comprise compatible functions (Harvey, Col.27, lines 32-34, where user has downloaded the application from the first computer/controller meaning they will be playing the same game).

21. As to claim 10, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 6, including, wherein the second application is the same application as the first application (Harvey, Col.27, lines 32-34, where user has downloaded the application from the first computer/controller and Col.27, lines 57-58 they both engaged in playing same game).

22. As to claim 11, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 1, including, further comprising transmitting a second message to another computing object that joined the communication with the intermediary (Harvey, Col.25, lines 60-66), the second message indicative of an invitation to collaboratively execute the application (Harvey, Col.25, lines 60-67, where users starts the game after entering in the chat room).

23. As to claim 12, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 11, including, wherein another computing object joined the communication with the intermediary after the first message was transmitted (Harvey, Col.28, lines 41-50, where user is already registered when the first invitation was sent and joining the game session for the second time).

24. As to claim 13, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 11, including, wherein the transmission of the second message is by one of the plurality of computing objects (Harvey, Col.27, lines 50-54, where partners are selected through chat application which means obviously two users are exchanging messages between them).

25. As to claim 17, is rejected for the same rationale as applied to claim 11 above.

26. As to claim 19, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 18, including, wherein the first portion comprises the term "invite" (Harvey, Col.4, lines 54-58, where message component could be any text or message including the claimed term "invite").

27. As to claim 20, is rejected for the same rationale as applied to claim 19 above.

28. As to claim 22, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 21, including, wherein the first computer comprises a roster of users that have communicated their presence through a computing object to the intermediary

instructions (Harvey, Col.7, lines 1-5, where central controller module keeps the session log).

29. As to claims 23 and 24, are rejected for the same rationale as applied to claim 22 above.

30. As to claim 25, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 22, including, where each user causes a copy of the application to be executed on a separate computer from each other user (Harvey, Col.27, lines 42-48).

31. As to claim 26, Harvey, Kirmse and Cuomo discloses the invention substantially as in parent claim 21, including, an instant messaging service comprising the intermediary computer-readable instructions (Harvey, Col.18, lines 36-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H. /
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452